

UNITED STATES DISTRICT COURT
FOURTH DIVISION
DISTRICT OF MINNESOTA

Court File No. _____

Margaret Costello,

Plaintiff,

v.

COMPLAINT

United States of America,

Defendants.

1. This action arises under the Federal Tort Claims Act, 28 USC §§ 2671-2680.

This court is vested with jurisdiction pursuant to 28 USC §1346(b).

2. The incident giving rise to this Complaint occurred on September 12, 2018, at the intersection of Chicago Avenue South and East 98th Street in Bloomington, MN. Plaintiff, on her bicycle, had been proceeding eastbound on the sidewalk adjacent to the north side of East 98th Street. As she approached the intersection at Chicago Avenue South, she noticed a United States Postal Service (hereinafter "USPS") mail delivery truck (hereinafter 'truck'), driven by USPS employee Michelle Perhus, in the course and scope of her employment with USPS. The truck stopped for the stop sign in the southbound lane of Chicago Avenue South. Anticipating that the truck would remain stopped while she crossed the intersection, as would be required by applicable law, Plaintiff began to proceed across the intersection. When Plaintiff was in front of the truck, however, the truck was driven forward, in an effort to execute a right-hand turn, and Plaintiff, on her bicycle, was struck by the truck, and thrown to the street.

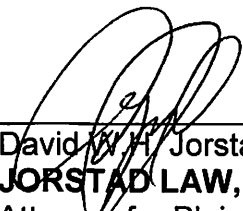
3. This incident was caused by the negligence and carelessness of Michelle Perhus in the operation of the mail delivery truck.

4. As a direct and proximate result of the negligence and carelessness of Michelle Perhus, Plaintiff sustained various injuries to her body, including an injury to her left upper arm which resulted in permanent scarring. She also incurred medical expenses, lost wages, and property damage to her bicycle.

WHEREFORE, Plaintiff demands judgement against Defendant United States of America as follows:

- 1) For compensatory damages, the sum of Thirty Thousand Two Hundred Sixty Dollars (\$30,260);
- 2) Interest as allowed by law;
- 3) Cost of suit;
- 4) Such other and further relief as the Court may deem just and proper.

Dated: 1-14-2020



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